



Department of Corrections  
**ADMINISTRATIVE BULLETIN**

**Subject:** ACCESS TO INMATE  
MEDICAL RECORDS BY  
NON-CLINICAL PERSONNEL

**Number:**

**93/39**

**Date Issued:**

**September 27, 1993**

**Cancelled Effective:**

The purpose of this Administrative Bulletin is to establish Departmental policy concerning access to inmate medical records by non-clinical personnel. It has been reviewed and approved by the Department's Legal Affairs Division.

The process of accessing medical records must consider:

1. Medical record laws were written to protect the confidentiality of medical records from release to agencies outside the provider of care;
2. A provider is defined in the California Code of Regulations (CCR), Title 22, as a facility, clinical, home health agency, clinical laboratory, or a professional. CDC is a provider under Title 22.
3. Section 54046.8 of the Departmental Operations Manual (DOM) incorporates Section 70751 (a) of CCR, Title 22 which states: "...patient health records...shall be...readily available upon request of:
  - (1) The admitting physician,
  - (2) The non-physician granted privileges pursuant to Section 70706.1,
  - (3) The hospital or its medical staff, or any authorized officer, agent, or employee of either,
  - (4) Authorized representatives of the Department,
  - (5) Any other person authorized by law to make such a request.
4. Section 54046.7.1 of DOM which incorporates Section 70751 (b) of Title 22 states: "The inmate's health record...is the property of the hospital and is maintained for the benefit of the inmate, the medical staff, the health care facility and the department. The health care facility shall safeguard the information...against...use by unauthorized persons."

It is the Department's position that the above citations sanction confidential access to inmate medical records by non-clinical Departmental employees officially engaged in the following health care providing/assurance categories and under the following conditions:

**I. Departmental audits.**

This category includes audits conducted by the Inspector General's office, the health care services component of the Combined Audits, and Health Care Services Division quality evaluations.



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II. Institution system audits.

This category includes reviews that are an integral part of court compliance monitoring/reviews, program reviews/evaluations, inmate appeal investigations, etc.

III. Staff with "need to know" and actively involved in the delivery of treatment.

Included in this category are persons involved in continuity of health care such as, parole staff, and casework staff who are responsible for providing medical information which ensures health care continuity.

IV. Access to medical records shall be under the supervision of the Medical Records Director or designee.

V. Authorization for access to medical records under Paragraphs II, III of this AB shall be obtained from the Institution's Chief Medical Officer (CMO) using the authorization form (At

\*[DAMAGED HERE]\*

etin, which shall remain in effect until incorporated into the appropriate manuals. For further information, please contact Nadim K. Khoury, M.D., Assistant Deputy Director, Medical Operations at (916) 324-0876 or CALNET at 454-0876.

R. H. DENNINGER  
Chief Deputy Director



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Attachment A

CALIFORNIA DEPARTMENT OF CORRECTIONS  
CONFIDENTIALITY STATEMENT

I understand and agree that as an employee of the California Department of Corrections, I must hold all medical records viewed during the performance of my duties as confidential. I understand that any violation of confidentiality of medical information may result in punitive action.

Date: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE NAME (PRINT)

\_\_\_\_\_  
POSITION CLASSIFICATION

\_\_\_\_\_  
EMPLOYMENT LOCATION

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE



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ATTACHMENT B  
MEDICAL RECORDS AUTHORIZATION

\_\_\_\_\_ is  
(STAFF NAME, TITLE)

authorized access to \_\_\_\_\_ medical records  
(INSTITUTION)

pursuant to current Department policy.

This authorization expires \_\_\_\_\_, and is not limited/limited to records of  
(DATE)

specified inmates; \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(DATE)

(CHIEF MEDICAL OFFICER)